

Press Release National Labor Relations Board Office of the General Counsel

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Federal judge issues injunction sought in Hawaii hotel dispute Employer must bargain with ILWU and rehire five union supporters

At the request of attorneys for the National Labor Relations Board (NLRB), a U.S. District Court judge has ordered the operators of the Pacific Beach Hotel (Employer) in Waikiki to recognize the Union selected by its employees, bargain in good faith for a labor contract, and reinstate five union activists who were fired.

The injunction was granted to preserve employee rights pending a final decision on the Employer's alleged violations by the Board. Attorneys for the Honolulu Sub-regional Office argued that the hotel's "discharge of leading union activists and bargaining committee members has conveyed to their employees that the Union is powerless to effectively represent them, and that the government is powerless to restrain such conduct."

The case dates back to 2002, when Local 142 of the International Longshore and Warehouse Union (ILWU) sought to organize about 565 Pacific Beach Hotel employees. Results of the initial election were overturned by the Board because of objectionable conduct by the hotel. The ILWU won a second election in 2004. However despite dozens of negotiating sessions, the two sides failed to agree on a contract. The Union filed charges, and a NLRB investigation found the Employer had engaged in numerous allegedly unfair labor practices, including threatening and firing employees because of their union support, unilaterally changing employee wages and working conditions and refusing to bargain in good faith. In September 2009, following a 13-day hearing, a NLRB Administrative Law Judge ruled in favor of the NLRB. The Employer then appealed the ruling to the NLRB in Washington, DC, prompting the request for an injunction.

The judge's order requires the parties to resume bargaining from the point at which negotiations broke off. In addition, managers must read a copy of the judge's order to all employees during all shifts.

The National Labor Relations Board is an independent federal agency vested with the authority to safeguard employees' rights to organize and to determine whether to have unions as their bargaining representative. The NLRB's Office of the General Counsel has independent prosecutorial discretion under the National Labor Relations Act to issue complaints alleging unfair labor practices.

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